

PF-2894  
Amendment dated 03/28/2007

09/983,041

01450013aa  
Reply to office action mailed 02/02/2007

**REMARKS**

Claims 1-29, 31-38, 40-47 and 49-55 are currently pending in the application. By this amendment, claims 1, 16, 29, 38, and 47 are amended for the Examiner's consideration. The foregoing separate sheets marked as "Listing of Claims" shows all the claims in the application, with an indication of the current status of each .

The Examiner's withdrawal of the previous grounds of rejection is acknowledged with appreciation.

The Examiner has rejected claims 1-29, 31-38, 40-47 and 49-55 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,417,819 to Matsumoto et al. ("Matsumoto"). Matsumoto describes a prior art system for displaying a background image on each user computer in a chat operation. The improvement disclosed in Matsumoto provides a system for using background images to signal changes in the state of the chat. For example, as shown in the table in Fig. 6, the system monitors mode change, topic change, participation, time and attributes of speech. It does so by evaluating various conditions of the chat, keywords in chat speech, identity of speakers, and the like. For example, a particular background image may be displayed at a particular time (col. 5, lines 58-59), or to indicate that the number of participants in the chat is more (or less) than ten (col. 5, lines 57-58), or to indicate that a particular speech is more (or less) than a minute (col. 5, lines 60-61). Similarly, a particular background image can be used to indicate that certain keywords are present (col. 5, lines 62-64), such as to indicate a particular topic for the chat (col. 6, lines 41-47), or to identify particular speakers (col. 5, lines 65-67).

In the context described in Matsumoto, the background images as described above serve to highlight attributes pertaining to the chat. As a further example, if the

PF-2894

09/983,041

01450013aa

Amendment dated 03/28/2007

Reply to office action mailed 02/02/2007

chat “boss” sets a particular message for transmission of a REFUSAL item, a background image will be displayed continuously until the REFUSAL is canceled by a user, thereby preventing display of another background image until the REFUSAL is canceled (col. 6, lines 1-6). There is a priority ordering for background images, such that if a new background image has a higher priority than the existing background image, the new image will be displayed (col. 6, line 62, to col. 7, line 3).

In Matsumoto, the operation of the chat is controlled by a server. When a user generates a speech message, the contents are sent to a server for analysis of the content in accordance with a chat management table (col. 7, lines 23-28). The nature of this analysis is not specified in the disclosure. If the server determines from the content of the speech that there is no change in an attribute value, then only the content of the speech is transmitted to the user computers for display (col. 7, lines 30-36). Only if the server determines from the content of the speech that an attribute value changes (col. 7, lines 37-39), then the server transmits to all chat users not only the contents of the speech but also a message to the effect that the attribute value has been changed and information about the changed attribute value (col. 7, lines 39-43).

Only when a user computer receives such a message from the server is any action taken by the user computer beyond display of speech (col. 7, lines 30-43). At that point the user computer executes the logic described in Figs. 9 and 10. Only if the message sent by the server (which is distinct from the contents of the speech originated by another user) contains an “evaluation item in which one or more values are set” does the user computer continue further with respect to the background image display control system (col. 7, lines 61-67). If the message sent by the server contains an evaluation item, the control unit of the user computer evaluates the

PF-2894

09/983,041

01450013aa

Amendment dated 03/28/2007

Reply to office action mailed 02/02/2007

message based on the values set in the message (col. 8, line 1, to col. 9, line 39, and as detailed in Fig. 10).

As should be evident from the foregoing detailed discussion of the Matsumoto disclosure, what is disclosed in Matsumoto is a control structure for managing chat rooms. In contrast to the present invention, the work of evaluating the content of the speech is performed by a server, not the user computers. The results of that evaluation are contained in an "evaluation item" contained in a message received from the server. The user computers check this evaluation item against their image management table, as described in connection with Fig. 10.

Matsumoto uses background images as indicators of various attributes in connection with operation of a chat room, such as the number of participants, the identity of the speakers, and the like. While these indicators include "keywords", for example, these are "set" by the server. Upon a careful reading, it is not disclosed, for example, how the server analyzes the content of speech in a channel to determine that a topic has changed. This could, of course, be accomplished in a variety of ways, including statistical analysis over time of the speech content from users speaking on a channel. None of these details are disclosed. However, it is clear that the tags "\$KEYWORD" and "\$TOPIC" are set by the server and are included in server generated messages sent to all the chat users. As described above, the user computers analyze these messages, not the content of speech, in applying the background image table.

By contrast, the present invention is concerned with using images and audio to enhance the content of messages, and in particular to do so without burdening the communication channel with the large file sizes commonly associated with image and audio files. There is no intermediary server for analysis of a message sent by one

PF-2894

09/983,041

01450013aa

Amendment dated 03/28/2007

Reply to office action mailed 02/02/2007

user to another. Instead, the table of the present invention is applied directly by the receiving user, and based upon an evaluation done by that user upon the text received from the sender. This “evaluation” is detection of a “retrieval condition” in the information item (text). Matsumoto does not disclose user detection of a retrieval condition, the detection being done by the user from the text transmitted by the sender.

The claims have been amended to clarify this direct operation of the invention.

It is to be noted that the above arguments with respect to independent claim 1 also apply to dependent claims 2-15. Similarly, these arguments are sufficient as to corresponding independent claims 16, 29, 38, 47 and their respective dependent claims.

In view of the foregoing, it is requested that the application be reconsidered, that claims 1-29, 31-38, 40-47 and 49-55 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 (fax: 703-787-7557; email: clyde@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

PF-2894

09/983,041

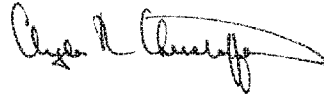
01450013aa

Amendment dated 03/28/2007

Reply to office action mailed 02/02/2007

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Sincerely,

A handwritten signature in black ink, appearing to read "Clyde R. Christofferson", with a long, sweeping horizontal stroke extending to the right.

Clyde R Christofferson  
Reg. No. 34,138

Whitham, Curtis, Christofferson & Cook, P.C.  
11491 Sunset Hills Road, Suite 340  
Reston, VA 20190  
703-787-9400  
703-787-7557 (fax)

**Customer No. 30743**